UNITED STATES PATENT AND TRADEMARK OFFICE

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
THAI, HANH B

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/080,971
Filing Date: February 21, 2002
Appellant(s): VAN ZEE, PIETER J.

Peter Kraguljac
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 12, 2007 appealing from the Office action

mailed May 15, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,567,119	PARULSKI	5-2003
6,119,118	KAIN	12-2000
5,450,504	CALIA	9-1995

Hossain et al. US Pub. 20030059199 A1 Mar. 27, 2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al.

(US 6,567,119 B1) in view of Kain, III et al. (US 6,119,118).

Regarding claim 1, Parulski disclose a method for automatically processing digital image

assets of a digital camera, comprising the steps of:

- Receiving a set of assets and metadata from a digital camera that have been organized

  by the digital camera into a camera organization structure (summary and col.5, line

  63 to col.6, line 32, Parulski discloses picture elements "a set of assets" and

  "metadata" in a digital camera) and

- processing the assets and metadata into a standard structure (summary and col.5, lines

  46-62, Parulski discloses the selecting the images "set of assets and metadata" to be

  processed and converted to the finished file format "a selected organization

  structure").

Parulski does not explicitly disclose automatically identifying a selected restructuring

scheme from a plurality of schemes. Kain discloses method and system for extending file

system metadata including automatically managing an organized file set from a variety of

file formats (col.8, lines 44-53 and col.19, lines 36-55, Kain). It would have been obvious

to one of an ordinary skill person in the art at the time of the invention was made to apply

the Kain's file system into Prulski's image file system, because by doing so, as suggested

by Kain the combined system would formatting any application file system from one

format to specific format for faster access and make the system upgrade easier to perform

and allows clients to characterize multiple instances of file system to specific required

formats (col.3, lines 25-36, Kain).

Regarding claim 2, Parulski/Kain combination discloses the method wherein

automatically identifying the selected restructuring scheme comprises comparing the set of

assets and metadata with a predetermined set of characterizations of assets and metadata to

determine whether a match is present (col.6, lines 27-32, Parulski).

Regarding claim 3, Parulski/Kain combination discloses the indicating to the user that

no match was found (col.1, line 62 to col.2, 5, Kain).

Regarding claim 4, Parulski/Kain combination discloses the method wherein

automatically identifying the selected restructuring scheme includes, where no match is

found, applying a fallback scheme (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17,

lines 51-64, Kain).

Regarding claim 5, Parulski/Kain combination disclose the method of claim 1

wherein processing the assets and metadata into the selected organization structure comprises

asset normalization (abstract and col.6, lines 27-32, Parulski).

Regarding claim 6, Parulski/Kain combination discloses the method wherein applying the asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain).

Regarding claim 7, Parulski/Kain combination discloses the method wherein applying the asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs (col.5, lines 52-62 and col.6, lines 27-32, Parulski).

Regarding claim 8, Parulski/Kain combination discloses the method wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset moralizer's knowledge and heuristics (col.5, lines 52-62 and col.6, lines 27-32, Parulski).

Regarding claim 9, Parulski/Kain combination discloses the method wherein processing includes processing the selected organization structure into a user-friendly structure that is one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips (col.5, lines 52-62 and col.6, lines 27-32, Parulski).

Regarding claim 10, Parulski/Kain combination discloses the method wherein processing includes processing the selected organization structure to provide for at least one of: viewing and hearing the user-friendly structure in an exogenous device (col.5, lines 52-62 and col.6, lines 27-32, Parulski).

Regarding claim 11, Parulski/Kain combination discloses the method wherein automatically identifying a selected restructuring scheme to use for processing a set of assets and metadata includes using a framework having a set of available asset normalizers to identify a best available asset normalizer (col.8, lines 44-53 and col.19, lines 36-55, Kain).

Claims 12-14, 15-33, 36-39 and 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub. 2003/0059199 A1).

Regarding claim 12, Kain discloses an asset normalizing method for processing a collection of files, comprising the steps of:

- automatically matching an asset organization scheme of files to a selected asset normalizer of a predetermined set of asset normalizers (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain); and

- processing the collection of assets into a standard structure in accordance with the best available asset normalizer (col.8, lines 44-53 and col.19, lines 36-55, Kain).

Kain, however, does not disclose a digital camera asset. Hossain discloses system and method for creating and viewing digital image files (abstract; ¶ [0032]-[0033], Hossain). It would have been obvious to one of an ordinary skill person in the art at the time of the invention was made to apply the Hossain's digital image file into Kain's file system, because by doing so, as suggested by Kain the combined system would formatting any application file system from one format to specific format for faster access and make the system upgrade easier to perform and allows clients to characterize multiple instances of file system to specific required formats (col.3, lines 25-36, Kain).

Regarding claim 22, Kain discloses a file system for processing a camera-specific organization scheme of digital image assets into a non-camera specific organization format, comprising:

- A comparison component for automatically matching the specific organization scheme of file to a selected asset organization normalizer of a predetermined set of asset organization normalizers (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain); and

- An asset-processing component, coupled to the comparison component, for organizing the file assets of the digital camera into a snon-camera specific organization format in accordance with the selected asset normalizer to allow the file assets to be processed by a variety of devices (col.8, lines 44-53 and col.19, lines 36-55, Kain).

Kain, however, does not disclose a digital camera asset. Hossain discloses system and method for creating and viewing digital image files (abstract; ¶ [0032]-[0033], Hossain). It would have been obvious to one of an ordinary skill person in the art at the time of the invention was made to apply the Hossain's digital image file into Kain's file system, because by doing so, as suggested by Kain the combined system would formatting any application file system from one format to specific format for faster access and make the system upgrade easier to perform and allows clients to characterize multiple instances of file system to specific required formats (col.3, lines 25-36, Kain).

Regarding claim 36, Kain disclose a computer-reable medium containing instructions for processing a collection of digital image assets from a digital camera that are organized in

a first organization format based on an asset organization scheme into a second organization

format by:

- automatically matching the asset organization scheme of the digital camera to a

    selected asset organization normalizer of a predetermined set of asset organization

    normalizers (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64,

    Kain); and

- processing the collections of assets of the digital camera into the organization format

    in accordance with the selected asset organization normalizer (col.8, lines 44-53 and

    col.19, lines 36-55, Kain).

Kain, however, does not disclose a digital camera asset. Hossain discloses system and

method for creating and viewing digital image files (abstract; ¶ [0032]-[0033], Hossain).

It would have been obvious to one of an ordinary skill person in the art at the time of the

invention was made to apply the Hossain's digital image file into Kain's file system,

because by doing so, as suggested by Kain the combined system would formatting any

application file system from one format to specific format for faster access and make the

system upgrade easier to perform and allows clients to characterize multiple instances of

file system to specific required formats (col.3, lines 25-36, Kain).

Regarding claims 13, 23 and 37, Kain/Hossain combination discloses the

automatically matching an asset organization scheme includes comparing the set of digital

assets and metadata with a predetermined set of characterizations of assets and metadata to

determine whether a match is present (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17,

lines 51-64, Kain).

Regarding claims 15, 27 and 41, Kain/Hossain combination discloses the automatically matching an asset organization scheme includes, where no match is found, applying a fallback asset normalizer (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain).

Regarding claims 16, 28 and 42, Kain/Hossain combination discloses the processing the collection of digital image assets of the digital camera comprises asset normalization that normalizes the asset organization scheme of the digital camera into the selected standard organization structure (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 17, 29 and 43, Kain/Hossain combination discloses the asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 18, 30 and 44, Kain/Hossain combination discloses the asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 19, 31 and 45, Kain/Hossain combination discloses that the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 20, 32 and 46, Kain/Hossain combination discloses processing the standard organization structure into a user-friendly structure that is at least one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips (abstract; summary and ¶[0032]-[0033], Hossain).

Regarding claims 21, 33 and 47, Kain/Hossain combination discloses providing for at least one of: viewing and hearing assets selected by the selected asset normalizer in an exogenous device (abstract; summary and ¶ [0032]-[0033], Hossain).

Regarding claims 24 and 38, Kain/Hossain combination discloses the comparison component includes information that includes at least one of: a directory pattern, a file name pattern, and an image metadata pattern (¶ [0032]-[0033]; [0037] and [0043], Hossain).

Regarding claims 25 and 39, Kain/Hossain combination discloses a directory pattern is assembled by an ordered transversal to a depth of at least one directory beneath a predetermined location and concatenating directory names with or without separator characters or symbols (¶[0032]-[0033]; [0037] and [0043], Hossain).

Regarding claims 14, 26 and 40, Kain/Hossain combination discloses the indicating to the user that no match was found (col.1, line 62 to col.2, 5, Kain).

Claims 34-35 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub. 2003/0059199 A1) and further in view of Calia (US 5,450,504).

Regarding claims 34 and 48, Kain and Hossain combination discloses all of the claimed limitations as discussed above, except a comparison a score that represents a quality of a match. Calia discloses a method for finding a most likely matching of a target facial image in database of facial images including an image comparison and score for each comparison (abstract and col.11, line 24 to col. 12, line 11, Calia). It would have been obvious to one of ordinary skill in the art time of the invention to modify the combination of Hossain and Kain to include the claimed feature as taught by Calia. The motivation of doing so would have been to efficiently digital image assets and determine a match (col.2, line 46 to col.3, line5, Calia).

Regarding claims 35 and 49, Kain/Hossain/Calia combination disclose the digital camera system wherein a highest score is the score that represents the quality of a best match (col.11, line 24 to col. 12, line 11, Calia).

(10) Response to Argument

1.   Appellant argues that "the references do not describe changing how the group of files is organized" (response 10/12/07, page 10). Examiner respectively point out that it is not claimed.

I. Claims 1-11 are unpatentable under 35 U.S.C. §103(a) as being obvious over Parulski et al. (US 6,567,119 B1) in view of Kain, III et al. (US 6,119,118).

2.   Appellant argues that "Parulski concerns changing the internal data format....and does not concern changing how a file system structure is organized." (Response 10/12/07, page 12) Examiner respectfully point out that it is not claimed.

3.   Appellant argues that "Parulski is silent about how a set of files and associated metadata can be restructured from a first organization to another organization...Parulski is not concerned with the restructuring schemes or organization" of claim 1. (Response 10/12/07, pages 12-14).

Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Parulski clearly discloses in (summary and col.5, line 63 to col.6, line 32) picture elements and metadata in a digital camera corresponding to the claimed "a set of assets" and "metadata") and Parulski discloses the selecting the images "set of assets and metadata" to be processed and converted to the finished file format "a selected organization structure" (summary and col.5, lines 46-62). Parulski, however, does not explicitly disclose automatically identifying a selected restructuring scheme from a plurality of schemes.

In the related art, Kain discloses method and system for extending file system metadata including automatically managing an organized file set from a variety of file formats (col.8, lines 44-53 and col.19, lines 36-55, Kain). It would have been obvious to one of an ordinary skill person in the art at the time of the invention was made to apply the Kain's file system into Prulski's image file system, because by doing so, as suggested by Kain the combined system would formatting any application file system from one format to specific format for faster access and make the system upgrade easier to perform and allows clients to characterize multiple

instances of file system to specific required formats (col.3, lines 25-36, Kain). Hence, the

examiner has clearly established the *prima facie* case of obviousness.

II. Claims 12-14, 15-33, 36-39 and 40-47 are unpatentable under 35 U.S.C. §103(a)

as being obvious over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub.

2003/0059199 A1).

4.   Appellant argues that "..no teaching that relates to the claimed processing the collection

of assets into a standard structure in accordance with the selected asset normalizing" of claims 12

and 36. (Response 10/12/07, pages 14-15).

Examiner respectfully disagrees.

Hosain clearly discloses converting the image files into the predetermined video

standards media files (abstract and summery, Hossain) corresponding to the "collection of assets

into a standard structure". In light of the specification, paragraph [0012], "asset normalization" is

the process of converting including convert file. Therefore, Hossain's teaching of converting the

image files into the predetermined video standards media reads on the claimed "collection of

assets into a standard structure".

5.   Appellant argues that "..no teaching relates to the claimed asset-matching component for

organizing the files assets of the digital camera into a non-camera specific organization format.."

(Response 10/12/07, pages 16-17).

Examiner respectfully disagrees.

Hosain clearly discloses converting the image files corresponding to "files assets of the

digital camera" into the predetermined video standards media files corresponding to "a non-

camera specific organization format"(abstract and summery, Hossain). Therefore, Hossain's

teaching of converting the image files into the predetermined video standards media file format

reads on the claimed "organizing the files assets of the digital camera into a non-camera specific

organization format".

III. Claims 34-35 and 48-49 are unpatentable under 35 U.S.C. §103(a) as being

obvious over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub. 2003/0059199

A1) and further in view of Calia (US 5,450,504).

6.   Appellant relies on his earlier argument that the combination of Kain and Hossain would

not have been obvious in challenging this further combination in view of Calia. Hence, because

the Appellant does not further distinguish the claimed invention over the Kain/Hossain/Calia

combination, the examiner reiterates her response provided above and incorporates it by

reference.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hanh Thai

Conferees:

Hanh Thai

Patent Examiner, AU 2163

Don Wong

Supervisory Patent Examiner, AU 2168

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Tim Vo

Supervisory Patent Examiner, AU 2168